

# **ATTACHMENT A**

## **RECOMMENDED CONDITIONS OF APPROVAL**



### **Planning & Community Development Department**

#### **RECOMMENDED CONDITIONS OF APPROVAL**

#### **Liberty Lake View Estates - File # P-06-0001**

1. All conditions imposed by the Hearing Examiner and/or the City Council shall be binding on the "Applicant", which term shall include the owner or owners of the property, heirs, assigns, and successors.
2. The preliminary subdivision applies to the following described real property:

##### **PARCEL "A":**

A TRACT OF LAND SITUATED IN SECTIONS 15 AND 22, TOWNSHIP 25 NORTH, RANGE 45 E.W.M., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT FROM WHICH THE QUARTER SECTION CORNER COMMON TO SAID SECTIONS 15 AND 22 BEARS SOUTH 15°58'47" WEST A DISTANCE OF 217.21 FEET; THENCE SOUTH 23°45' EAST A DISTANCE OF 620.0 FEET; THENCE SOUTH 79°00' WEST A DISTANCE OF 215.0 FEET; THENCE SOUTH A DISTANCE OF 608.0 FEET; THENCE NORTH 89°36'51" WEST A DISTANCE OF 296.0 FEET; THENCE NORTH 01°30'00" WEST A DISTANCE OF 936.0 FEET; THENCE NORTH 50°00'00" WEST A DISTANCE OF 297.60 FEET; THENCE NORTH 9°12'41" EAST A DISTANCE OF 751.52 FEET; THENCE NORTH 71°00'35" EAST A DISTANCE OF 227.57 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF LIBERTY LAKE ROAD; THENCE SOUTH 18°16'35" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF LIBERTY LAKE ROAD A DISTANCE OF 332.32 FEET; THENCE ALONG A CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1938.14 FEET, THROUGH A CENTRAL ANGLE OF 6°23'07" A DISTANCE OF 215.99 FEET ALONG SAID RIGHT OF WAY; THENCE SOUTH 65°20'18" WEST 10.00 FEET ALONG SAID RIGHT OF WAY; THENCE ALONG A CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, HAVING A BACK TANGENT WHICH BEARS SOUTH 24°39'42" EAST A RADIUS OF 1948.14 FEET, THROUGH A CENTRAL ANGLE OF 3°00'10" A DISTANCE OF 102.10 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 62°20'08" EAST 10.00 FEET ALONG SAID RIGHT OF WAY; THENCE ALONG A CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, HAVING A BACK TANGENT WHICH BEARS SOUTH 27°39'52" EAST, A RADIUS OF 1938.14 FEET, THROUGH A CENTRAL ANGLE OF 4°06'35" A DISTANCE OF 139.02 FEET; THENCE WEST A DISTANCE OF 122.57 FEET TO THE PLACE OF BEGINNING; (ALSO KNOWN AS PHASE 2 OF LIBERTY LAKE ESTATES); EXCEPTING THEREFROM THE EASTERLY 20 FEET THEREOF CONVEYED TO SPOKANE COUNTY FOR LIBERTY LAKE ROAD BY RIGHT OF WAY DEED RECORDED SEPTEMBER 1, 1983 UNDER RECORDING NO. 830910265; SITUATE IN THE COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL "B":

A TRACT OF LAND SITUATED IN SECTIONS 15 AND 22, TOWNSHIP 25 NORTH, RANGE 45 E.W.M., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT FROM WHICH THE QUARTER SECTION CORNER COMMON TO SAID SECTIONS BEARS NORTH 72°29'47" EAST A DISTANCE OF 232.62 FEET; THENCE SOUTH 1°30'00" EAST A DISTANCE OF 936.00 FEET; THENCE NORTH 89°36'51" WEST A DISTANCE OF 280.84 FEET; THENCE NORTH 00°28'44" EAST A DISTANCE OF 1001.92 FEET; THENCE NORTH 9°12'41" EAST A DISTANCE OF 124.81 FEET; THENCE SOUTH 50°00'00" EAST A DISTANCE OF 297.60 FEET TO THE PLACE OF BEGINNING: SITUATE IN THE COUNTY OF SPOKANE, STATE OF WASHINGTON. (PARCEL NO. 55226.9035)

3. The proposal shall comply with the R-1 (Single Family Residential) and O (Open Space/ Recreation) Zones, as amended.
4. The final plat shall be designed substantially in conformance with the preliminary plat, as amended, to meet the City development standards. No increase in density or numbers of lots, or substantial modification of the preliminary plat or conditions of approval, shall occur without a change of conditions application and its approval by the Hearing Examiner and City Council after public hearings.
5. The Planning & Community Development Department Director / designee shall review any proposed final plat to ensure compliance with these Findings and Conditions of Approval.
6. A final plat / name / number shall be indicated before the final plat is filed, such name / number to be approved by the Planning & Community Development Director / designee.
7. Appropriate road name(s), approved by the Planning & Community Development Department, shall be drafted on the face of the final plat.
8. The street address for each lot shall be indicated on the face of the final plat. The City of Liberty Lake Planning & Community Development Department reserves the right to confirm the actual address at the time a building permit is issued.
9. The preliminary plat is given conditional approval for five (5) years, specifically to *(insert date)*. To request an extension of time on the preliminary plat, the applicant must submit a written request to the City of Liberty Lake Planning & Community Development Department at least thirty (30) days prior to the preliminary plat expiration in accordance with City Development Code section 10-4D-3 (D) Modifications and Extensions. If an extension request is not submitted prior to the expiration of the preliminary plat, the preliminary plat will become null and void at such time to the extent it has not received final plat approval.
10. Appropriate utility easements shall be indicated on copies of the proposed final plat. Approval of utility easements by appropriate utility companies shall be received with submittal of the final plat.
11. House setbacks shall conform to the City Development Code and shall be identified on the final plat as follows with a matching detail:
  - Front Yard = 16' (house) / 20' (garage)
  - Side Yard = 5'
  - Rear Yard = 15'
  - Flanking Yard = 15'
12. The final plat map shall indicate by a clear, dashed line, the required yard setbacks from all streets. The final plat dedication shall state:

"Setbacks are specifically drafted on this final plat. The setbacks indicated on this plat may be varied from if proper zoning approvals are obtained."

13. Final plat submissions shall comply with City Development Code section 10-4D-7, Submissions and Approval Criteria: Final Plat, BSP, and Short Plat, as applicable.
14. At the time of final plat submittal, the applicant shall supply two (2) current certificates of title to the City of Liberty Lake Planning & Community Development Department, with the plat file number indicated on the plat certificate cover sheet.
15. At the time of final plat submittal, the applicant shall supply a copy of all Covenants, Conditions, & Restrictions (CCR's), deed restrictions, private easements and agreements, and other documents pertaining to common improvements that have or will be recorded that are referenced on the plat or that affect the property.
16. At the time of final plat submittal, the applicant shall demonstrate either on the face of the final plat or on an acceptable attachment that all lots located on a cul-de-sac street meet or exceed the minimum required frontage.
17. A survey is required prior to filing of the final plat.
18. The final plat dedication shall state:

The owners of all lots within this subdivision shall be members of the "Liberty Lake View Estates" Homeowner's Association, a homeowners association created by document recorded \_\_\_\_\_ by the Secretary of State of the State of Washington under U.B.I Number \_\_\_\_\_ and subject to the Articles of Incorporation and Bylaws thereof. Subject to the DECLARATION OF PROTECTIVE COVENANTS FOR "LIBERTY LAKE VIEW ESTATES" HOMEOWNER'S ASSOCIATION as recorded under Auditor's Document No. \_\_\_\_\_.
19. The final plat dedication shall state:

"Liberty Lake View Estates" Homeowner's Association will be responsible for the maintenance of all landscaped medians, open space tracts, alleys / driveways, and street lighting. Additionally, any private roads or common areas shown on this plat are hereby dedicated to the "Liberty Lake View Estates" Homeowner's Association and the HOA will be responsible for the maintenance of streets and common areas within the neighborhood.
20. Any private roads and common areas shall be considered subservient estates for tax purposes to the other lots created herein.
21. The drainage system will neither be maintained nor operated by the City. Prior to plan acceptance by the City, the Sponsor shall provide a mechanism, acceptable to the City, for the perpetual maintenance of the stormwater drainage system. This mechanism shall also provide for the funding of routine maintenance and the replacement of the various components of the drainage system at the end of the service life of the respective components, and any other improvements that may be legally required in the future. An Operations and Maintenance Manual for the stormwater management system shall be prepared by the Sponsor's Engineer, and included in the project documents submitted to the City for acceptance, along with a discussion of the design life of the various components, a calculated annual cost for repair and maintenance, and a calculated replacement cost. Homeowners Associations are accepted by the City for carrying out the required maintenance functions and responsibilities.

22. The City of Liberty Lake Planning & Community Development Dept. shall prepare and record with the Spokane County Auditor at time of final plat recording, a notice that the property in question is subject to a variety of special conditions imposed as a result of approval of a land use action. This Title Notice shall serve as a public notice of the conditions of approval affecting the property in question. The Title Notice should be recorded within the same time frame as allowed for an appeal and shall only be released, in full or in part, by the Planning & Community Development Dept. The Title Notice shall generally provide as follows:

The parcel of property legally described as [insert legal description] and commonly known as "Liberty Lake View Estates" is the subject of a land use action by the City of Liberty Lake City Council on [insert date], imposing a variety of special development conditions. File # P-06-0001 is available for inspection and copying at the Liberty Lake Planning & Community Development Dept.

23. The final plat shall comply with the City Development Code Chapter 6, Environment, specifically as related to critical areas and any form of potential disturbance to critical areas shall be reviewed and mitigated as required by Chapter 6.
24. Significant trees and shrubs shall be protected in accordance with City Development Code Section 10-3C-2, Landscape Conservation.
25. Structures, constructed within the "Liberty Lake View Estates" on parcels with a 3:1 slope or greater, will be required to be fully engineered at time of building permit submittal.
26. The final plat dedication shall state:

The owners or successors in interest agree to join in any City-approved stormwater management program and to pay such rates and charges as may be fixed through public hearings for service or benefit obtained by the planning, design, constructing, maintaining, or operation of stormwater control facilities.

The owners or successors in interest also agree to join in any City-approved local improvement district for street improvements and to pay such rates and charges as may be fixed through public hearings for service or benefit obtained by the planning, design, constructing, maintaining, or operation of streets.

27. The final plat dedication shall state:
- Utility easements shown on the herein described plat are hereby dedicated for the use of serving utility companies for the construction, reconstruction, maintenance, protection, inspection, and operation of their respective facilities, together with the right to prohibit changes in grade that will reduce the existing coverage over installed underground facilities and the right to trim and/or remove trees, bushes, landscaping, and to prohibit structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same.

28. The final plat dedication shall state:
- A public sewer system will be made available for the plat, and individual services will be provided to each lot prior to sale. Use of individual on-site disposal systems shall not be authorized. The developer of the proposal shall bear the cost of providing the required services to the lots.

29. The final plat dedication shall state:
- A public water system will be made available for the plat and individual service will be provided to each lot prior to sale. The use of private wells or water systems is prohibited.

The developer of the proposal shall bear the cost of providing the required services to the lots.

30. The final plat dedication shall state:

The public water system, pursuant to the Water Plan approved by the City, Spokane County Fire Protection District #1, and the water purveyor, shall be installed within this subdivision, and the subdivider / sponsor shall provide for individual domestic water service as well as fire protection to each lot prior to sale of each lot and prior to issuance of a building permit for each lot.

31. A water plan and emergency access approval letter from Fire District #1 shall be supplied prior to recording of the final plat. The water system must be designed to be adequate for proposed home sizes (fire sprinklers provided give a 50 percent reduction in the required fire flows).

32. Prior to the issuance of the initial building permit(s), the applicant shall submit to the City Planning & Community Development Department, documentation signed by the water purveyor and the applicable fire district stating that the public water system has been installed, tested, and accepted as operational pursuant to the approved water plan.

33. Sewer plans acceptable to the City / sewer purveyor shall be submitted prior to the finalization of the project.

34. Impact fees may be required as per the SEPA MDNS Determination that was issued on September 19, 2006 and participation in the Harvard Road Mitigation Plan is required.

35. Prior to final plat submittal, the applicant shall supply a traffic analysis for Liberty Lake Rd. to demonstrate adequate sight distance availability at the proposed intersection of Liberty Lake Rd. and "Liberty View Lane." Off-site improvements may be required by the City of Liberty Lake to mitigate traffic problems.

36. Before the street and stormwater plans are submitted to the City of Liberty Lake, a Design Deviation must be submitted to the City for any non-standard elements of the project plans. The sponsor shall acquire approval of the Design Deviation from the City before construction plans are submitted for review. The Design Deviation request must include adequate engineering justification and drainage calculations, and should include any other agency approvals that may be necessary for the proposed deviation to work as designed. The Design Deviation request shall include a description of maintenance responsibilities. The City may approve or deny a Design Deviation or may impose conditions of approval on the Design Deviation.

37. Prior to final plat submittal, a Professional Engineer, licensed in the State of Washington, shall submit four (4) copies of the street, grading, and drainage plans, a drainage report, and calculations that conform to the adopted City Street and Stormwater Standards, and all standards and laws that are applicable to this project. Final street, grading, and drainage plans, and drainage reports shall receive acceptance by the City prior to release of a construction or building permit or approval of the final plat.

38. Erosion Control: A Temporary Erosion and Sedimentation Control (TESC) plan is to be prepared by a WA State licensed Professional Engineer and implemented throughout the duration of construction. The TESC plan is to be prepared using best management practices (BMP's) currently accepted within the Civil Engineering profession. The TESC plan is to include, as a minimum, a grading plan, location, and details of silt control structures (such as silt ponds, silt traps) are to be installed prior to other site work and the

TESC measures are to be implemented and maintained throughout the duration of construction, including house construction.

39. If the development will be gated, a Knox key switch at the gate is required by the Spokane County Fire District #1.
40. Fire hydrants will be required every 600 feet along proposed streets and every 600 feet on the driveway to lots 13 - 20.
41. A cul-de-sac must be provided at the south end of High View Lane, instead of the proposed hammerhead and turnarounds must be provided at the end of driveways.
42. All internal streets which are to be constructed within the proposed development are to be constructed to public street standards for local access streets with curbing and separated sidewalks, as required by the City Development Code and the adopted City Street Standards.
43. Construction within the proposed streets and easements shall be performed under the direct supervision of a licensed engineer / surveyor, who shall furnish the Planning & Community Development Department with "Record Drawings" plans and a certification in writing that all improvements were installed to the lines and grades shown on the approved construction plans and that all disturbed monuments have been replaced.
44. Approach permits are required for any access to the City of Liberty Lake street system.
45. No construction work is to be performed within the existing or proposed public right-of-way until a Right of Way permit has been issued by the Planning & Community Development Department. All work is subject to inspection and approval by the City.
46. All construction work, i.e. utilities, streets, stormwater, etc., is to be completed prior to filing the final plat or a bond for the amount estimated and certified and stamped by a Professional Engineer, licensed in the State of Washington to cover the cost of construction of improvements, construction certification, "Record Drawings" plans, and monumenting the street centerlines shall be filed with the City Planning & Community Development Department.
47. Prior to recording of the final plat, cost estimates for all improvements, including landscaping, with engineer's stamp and signature are to be supplied to the City for review and approval. Additionally, the cost estimates for the items that will be bonded for with engineer's stamp and signature are to be supplied to the City for review and approval, prior to bond preparation.
48. Appropriate provisions shall be made that the following described property be held in trust until the continuation of the streets be dedicated or deeded: A 1-foot strip at the ends of edges of all streets that terminate or border the plat boundary. Temporary cul-de-sacs are required when streets terminate at the plat boundaries.
49. No direct access will be allowed from individual lots to Liberty Lake Rd.
50. The final plat shall include provisions for pedestrian linkages, as required by the City Development Code, to construct a continuous pathway system that includes street connectivity.
51. The applicant is advised that there may exist utilities either underground or overhead affecting the applicant's property, including property to be dedicated or set aside future acquisition. The City of Liberty Lake will assume no financial obligation for adjustments or relocation regarding these utilities. The applicant should contact the applicable utilities

regarding responsibility for adjustment or relocation costs and to make arrangements for any necessary work.

52. Prior to filing the final plat, the sponsor shall demonstrate to the satisfaction of the Spokane Regional Health District that an adequate and potable water supply is available to each lot of the plat.
53. The requirements for SCAPCA shall be met at the time of project construction.
54. Compliance with the Washington State Department of Ecology Water Quality and Solid Waste Program requirements shall be required.
55. All new dry wells and other injection wells must be registered with the Underground Injection Control program (UIC) at Department of Ecology prior to use and the discharge from the wells) must comply with the ground water quality requirement (nonendangerment standard) at the top of the ground water table.
56. A Stormwater Pollution Prevention Plan for the project site may be required and should be developed by a qualified person(s). Erosion and sediment control measures in the plan must be implemented prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by stormwater runoff. Sand, silt, and soil can damage aquatic habitat and are considered pollutants. The plan must be upgraded as necessary during the construction period.
57. The operator of a construction site which disturbs one acre or more of total land area, and which has or will have a discharge of stormwater to a surface water or to a storm sewer, must apply for coverage under Department of Ecology's Baseline General Permit for Stormwater Discharges Associated with Construction Activities.
58. If the requested plat is approved, the Director of Planning & Community Development will review to ensure Transportation Concurrence.